

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

ROY G. COWAN, Individually and as )  
Executor for the Estate of )  
MARTHA K. COWAN; )  
MARY LOUISE WEBER; )  
THOMAS DAVIS SHEEN; )  
STEPHANIE SHEEN; JIMMY ALLEN; )  
GLENDA ALLEN; and TED THOMPSON, ) CV-01-04028  
PLAINTIFFS, )  
v. )  
COMMUNITY HOMEBANC, INC.; )  
JORDAN OLSHAN; )  
MORTGAGE INVESTORS, INC.; )  
CENTURY BANK, F.S.B., et al, )  
DEFENDANTS )

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FIRST COMMERCIAL BANK, )  
PLAINTIFF, )  
v. ) CV-01-00271  
COMMUNITY HOMEBANC, INC., )  
*A Corporation*; HAROLD MASON, )  
*An Individual*; JORDAN P. OLSHAN, )  
*An Individual*; DONALD B. MCGINNESS, )  
JR., *An Individual*; DONNA N. )  
BURCHETT, *An Individual*; MERRY )  
ARNETT, *An Individual*, )  
DEFENDANTS. )

LIS PENDENS

First Commercial Bank hereby files this Lis Pendens under oath:

RECITALS

First Commercial Bank is the Plaintiff and the judgment creditor in the above-styled action in the Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama, under Civil Action no. CV-01-271. Judgment was rendered in favor of First Commercial Bank and against Community Homebanc, Inc. on the 12<sup>th</sup> day of September, 2001, in the amount of \$464,515.25.

Inst # 2001-44968

10/17/2001-44968  
11:41 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
MEL 14.00

Community Homebanc, Inc. is a defendant in the separate above styled action, also pending in the Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama, under Civil Action no. CV-01-04028 (the "Receivership Action").

Pursuant to the Receivership Action, the Circuit Court of Jefferson County, Alabama appointed, pursuant to Alabama Code §6-6-220, Thomas Baddley as Receiver to "administer, take possession and collect all assets relating to the Mortgage Investor, Inc./Jordan Olshan loans and mortgages."

Upon information and belief, Mortgage Investors, Inc. had, prior to the receivership order and underlying lawsuit, sold or transferred all of its assets to Community Homebanc, Inc. As such, a judgment lien upon the assets of Community Homebanc, Inc. is in fact a judgment lien upon any assets for which Mortgage Investors, Inc. may continue to hold mere legal title.

The nature of the interest claimed by First Commercial Bank in all of the assets of Community Homebanc, Inc. and Mortgage Investors, Inc. is that of a judgment lien creditor.

NOW, THEREFORE, the undersigned, as attorney for First Commercial Bank, does hereby file this Lis Pendens for the purpose of giving notice of First Commercial Bank's claim of liens upon, right to and interest in, all real or personal property owned by Community Homebanc, Inc. and Mortgage Investors, Inc.

  
Daniel D. Sparks  
Attorney for First Commercial Bank


OF COUNSEL

Christian & Small LLP  
1800 Financial Center  
505 North 20<sup>th</sup> Street  
Birmingham, AL 35203  
(205) 795-6588

STATE OF ALABAMA                     )  
COUNTY OF JEFFERSON            )

Before me, a Notary Public in and for said County, in said State, personally appeared DANIEL D. SPARKS, whose name as ATTORNEY for FIRST COMMERCIAL BANK is signed to the foregoing, and who is known to me and who, being by me first duly sworn and deposed, said that he has knowledge of the facts stated in the foregoing LIS PENDENS, and that the said facts as therein stated are true and correct.

Sworn to and subscribed before me on this the 15 day of October, 2001.

  
NOTARY PUBLIC  
My Commission Expires: 4-9-2005  
10/17/2001-44968  
11:41 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 14.00

Inst # 2001-44968